

REMARKS

The above amendments and these remarks are responsive to the Office action dated January 21, 2005. In the Office action, the specification was objected to because of informalities, the declaration was objected to as being defective, claims 1-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Treharne et al. (US 6,181,026) in view of Kanno (US 2002/0151230), claim 10 was rejected under 35 U.S.C. 103(a) as being unpatentable over Treharne et al. in view of Kanno, and further in view of Turner (US 2004/0051379), claims 11 and 12 were objected to as being dependent upon a base claim, but indicated as allowable if rewritten in independent form.

Applicants thank the Examiner for the careful consideration of the application, and the indications of allowability of claims 11 and 12. Applicants submit herewith a substitute declaration including a statement that the person making the oath or declaration has reviewed and understands the contents of the specification and claims, and an acknowledgement of the duty to disclose to the Office all information known to the person to be material to patentability.

Applicants traverse the claim rejections and the prior art status of Turner (US 2004/0051379), but nevertheless amend the claims as shown above. In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

Claim 1

As discussed in the Background, reproduced below, the present application relates to personal watercraft in which an ignition key may be removed after starting the engine, to prevent contamination by water, sand, etc.

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[0004] As for the personal watercraft, the main switch is constructed such that the key can be removed from the main switch even when it is in the ON-position, since sea water, sand, etc. tend to penetrate into the main switch if the key remains inserted in the main switch. Thus, during operation, an operator in many cases may remove the key from the main switch while the main switch is in the ON-position after the engine is started, and may put the key into an equipment storage fixture of the personal watercraft, such as a compartment, or may put the key into a pocket of a life jacket to carry the key around.

Subject Application - Paragraph [0004]

Claim 1 has been amended to recite, "providing a main switch with a key-receiving portion, the main switch being switchable to an ON-state to activate the starting circuit of the engine when a key is inserted in the key-receiving portion, the key being removable from the key receiving portion while the main switch is in the ON-state; detecting the main switch being in the ON-state; detecting a stopping of the engine; and inhibiting the engine from starting, provided that the main switch is detected to be in the ON-state, the removable key is detected not to be operatively inserted into the main switch, and the engine is detected to be stopped." One exemplary embodiment according to claim 1 is illustrated in Fig. 5, and described at Paragraph [0052] et seq.

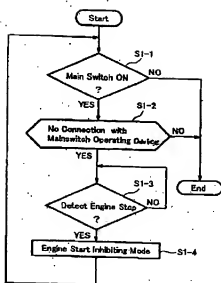


Fig. 5 - Subject Application

According to the exemplary embodiment, “when there is a detection of the stop of the engine E (“YES” at Step S1-3), the ECU 50 shifts to “an Engine Start Inhibiting Mode” (Step S1-4). In the Engine Start Inhibiting Mode, engine start inhibitor 50f of the ECU 50 is configured to inhibit the engine E from being started even if the starter switch 36 is operated, by preventing the output of an ignition signal to the ignition device 42, or by preventing the output of an injection signal to the fuel injection device 43, etc.” Thus, the personal watercraft is inhibited from starting when the key has been removed from the main switch while in the ON-state, which provides a significant theft deterrent.

In contrast Treharne et al. (US 6,181,026) relates to ignition systems for automobiles, not personal watercraft. Automobiles are not driven on open water, and do not generally have straddle type seats and controls that are exposed to the environment. Thus, the ignition switches of automobiles are not exposed to continuous bombardment by harsh salt water and sand debris

like personal watercraft. For this reason, unlike the personal watercraft of claim 1, the automobile of Treharne is not disclosed to be equipped with an ignition key that is "removable from the key receiving portion while the main switch is in the ON-state." Further Treharne makes absolutely no mention of inhibiting engine starting when no key is detected in the main switch, and the main switch is in the ON-state, as claimed in amended claim 1.

While Kanno (US 2002/0151230) relates to personal watercraft, it similarly fails to disclose an ignition equipped with an ignition key that is "removable from the key receiving portion while the main switch is in the ON-state." While the reference discusses several theft problems associated with personal watercraft, the reference does not discuss or even recognize the problem recognized by the inventors in the present application, namely that a risk of theft occurs when a rider removes a key from an ignition of a personal watercraft and leaves the main switch in the ON-state. Despite disclosing several theft deterrent features, Kanno makes absolutely no mention of inhibiting engine starting when no key is detected in the main switch, and the main switch is in the ON-state, as claimed in amended claim 1.

For the above reasons, applicants respectfully submit that the combination of Treharne and Kanno fails to disclose each and every element of amended claim 1. Therefore, applicants believe that amended claim 1 is allowable.

Claims 2-3

Claims 2-3 are cancelled without prejudice.

Claims 4, 5, 7, 8, 9, 10, and 11

Claim 4 has been amended to recite, "a key detector configured to detect that the key is operatively inserted into a key-receiving portion of the main switch," and, "an engine start inhibitor configured to inhibit the engine from starting, provided that the main switch is detected

in the ON-state by the main switch ON-state detector, the key is not detected by the key detector to be operatively inserted into the key-receiving portion of main switch, and the stopping of the engine is detected by the engine stop detector.” Neither Treharne nor Kanno discloses a key detector that is configured to detect whether a key is inserted in a main switch. Further neither reference recognizes the risk of theft that occurs when a rider dismounts a watercraft removing the key but leaving the main switch in the ON-state. And, neither reference discloses or suggests an engine start inhibitor configured to inhibit starting when the main switch is in the ON-state and the key is removed from the main switch, to thereby inhibit theft under these circumstances.

For these reasons, applicants respectfully submit that amended claim 4 is not obvious in view of the combination of Treharne and Kanno, because these references fail to disclose each and every element of amended claim 4.

Regarding the rejection of Claim 10 based on Turner, Applicants note that Turner (US 2004/0051379 A1), cited by the Examiner, was published on March 18, 2004, which is 7 days after the U.S. filing date of the present application. Thus, applicants respectfully submit that this published application is not prior art to the present application, and the rejection of claim 10 based on US 2004/0051379 is improper. Nonetheless, since PTO records indicate that this published application issued on May 3, 2005 as Pat. No. 6,888,265, applicants will address the rejection substantively by stating that even the combination of Turner, Treharne and Kanno, fails to disclose an engine start inhibitor configured to inhibit starting when the main switch is in the ON-state and the key is removed from the main switch, as claimed in amended claim 1, in combination with “an alert indicator for alerting an operator of the personal watercraft when the main switch ON-state detector detects the main switch being in the ON-state, the key detector detects that no operative insertion of the key, and the engine stop detector detects the stop of the

engine," as claimed in amended claim 10. Therefore, applicants believe that claim 10 is allowable.

In view of the above, applicants believe that claim 4, as well as dependent claims 5, 7, 8, 9, 10, 11, are allowable.

Claim 12

Applicants have rewritten original claim 12, which was indicated as allowable, in independent form. Therefore, amended claim 12 is believed allowable.

Claim 13

Applicants have rewritten original claim 11, which was indicated as allowable, in independent form as new claim 13. Therefore, new claim 13 is believed allowable.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 20, 2005.



Josi Bridges

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &
TUTTLE LLP

Chris Tuttle Reg No 41357 for
Mark D. Alleman
Registration No. 42,257
Customer No. 50488
Attorney/Agent for Applicant(s)/Assignee
806 SW Broadway, Ste. 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142